

NOV 30 2006

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0551-0031

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/789971
	Filing Date	03/01/2004
	First Named Inventor	JAMES ROBERT MACMILLAN
	Art Unit	3635
	Examiner Name	CHAPMAN, JEANETTE E.
	Attorney Docket Number	JRM200
Total Number of Pages in This Submission		13

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks PETITION DATED 11/30/2006 TO WITHDRAW NOTICE OF ABANDONMENT COPY OF NOTICE OF ABANDONMENT DATED 11/24/2006 COPY OF AUTO-REPLY FACSIMILE TRANSMISSION DATED 08/08/2006 COPY OF TRANSMITTAL FORM DATED 08/08/2006 FOR ADMENDMENT IN RESPONSE TO OA DATED 04/20/2006		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	LAW OFFICE OF ASHKAN NAJAFI, P.A.		
Signature	/ASHKAN NAJAFI/		
Printed name	ASHKAN NAJAFI		
Date	11/30/2006	Reg. No.	49,078

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	/VICKIKVANSICKLE/
Typed or printed name	VICKI K. VAN SICKLE
Date	11/30/2006

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/789971  
Applicant : James Robert MacMillan  
Filed : 03/01/2004  
TC/AU : 3635  
Docket No. : JRM200  
Customer No. : 34356

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


**PETITION TO THE COMMISSIONER OF PATENTS**

Sir:

Applicant respectfully requests the Notice of Abandonment dated 11/24/2006 (included herewith) to be withdrawn because Applicant submitted a complete and timely response to the Office Action letter mailed on 04/20/2006, of which a complete copy is enclosed. A copy of the Auto-Reply Facsimile Transmission is also enclosed as prima facie evidence of a proper and timely filed response. A copy of the transmittal form dated 08/08/2006 and Petition For Extension Of Time Form dated 08/08/2006 also serves as prima facie evidence of a proper and timely filed response.

Respectfully submitted,  
Law Office of Ashkan Najafi, P.A.

By



Ashkan Najafi, Esq.  
Reg. No. 49,078  
Customer No. 34,356

Law Office of Ashkan Najafi  
6817 Southpoint Parkway  
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Jacksonville, FL 32216

Nov. 30. 2006 6:03PM ashkan najafi pa

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,971	03/01/2004	James Robert MacMillan	JRM200	9422

EXAMINER	
CHAPMAN, JEANETTE E	

ART UNIT	PAPER NUMBER
3635	

34356 7590 11/24/2006  
ASHKAN NAJAFI, P.A.  
6817 SOUTHPOINT PARKWAY  
SUITE 2301  
JACKSONVILLE, FL 32216

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DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
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NOV 30 2006**Notice of Abandonment**

Application No.

10/789,971

Applicant(s)

MACMILLAN, JAMES  
ROBERT

Examiner

Chapman E. Jeanette


Art Unit

3635

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 4/20/06
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
JEANETTE E. CHAPMAN  
PRIMARY EXAMINER  
GROUP 3400

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL 1137 (Rev. 04.01)

Notice of Abandonment

Part of Paper No. 20061120

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# Auto-Reply Facsimile Transmission



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Cover  
Page

08-08-2006 19:52 FAX# 9042960058		PG#1
<p><b>TRANSMITTAL FORM</b></p> <p>U.S. DEPARTMENT OF COMMERCE U.S. PATENT AND TRADEMARK OFFICE</p> <p>Applicant's Name: <u>ASHKAN NAJAFI</u>          Filing Date: <u>8/8/06</u>          Filing Office: <u>USPTO</u>          Filing Office: <u>USPTO</u>          Filing Office: <u>USPTO</u>          Filing Office: <u>USPTO</u></p>		
<p><b>EXAMINATION</b></p> <p><input type="checkbox"/> New Trademark Exam  <input type="checkbox"/> New Patent Exam  <input checked="" type="checkbox"/> Amendment/Reply  <input type="checkbox"/> Other Filing  <input type="checkbox"/> Administrative Matter (e.g.)  <input checked="" type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Information Disclosure Document</p> <p><input type="checkbox"/> Certified Copy of Official Record  <input type="checkbox"/> Reply to Interview/Prior Art Examination  <input type="checkbox"/> Reply to Interview/Prior Art Examination</p>		
<p><b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b></p> <p>Name: <u>ASHKAN NAJAFI</u>          Signature: <u>[Signature]</u>          Printed Name: <u>ASHKAN NAJAFI</u>          Date: <u>8.8.06</u> Title: <u>Attorney</u></p>		
<p><b>CERTIFICATE OF TRANSMISSION</b></p> <p>I hereby certify that this correspondence is being transmitted to the USPTO or Appropriate Patent Office (APO) in accordance with the provisions of 37 CFR 1.8(a) and (b), 37 CFR 1.6(f), and 37 CFR 1.101. This certificate is required to be submitted to the USPTO or APO in accordance with the provisions of 37 CFR 1.8(a) and (b), 37 CFR 1.6(f), and 37 CFR 1.101.</p> <p>Signature: <u>[Signature]</u>          Date: <u>8.8.06</u></p>		